

REMARKS

Claims 1 and 4-7 are pending in this application. By this Amendment, claims 1, 5 and 6 are amended. The amendments introduce no new matter because they are supported at least by the claims as originally filed. Claims 2 and 3 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicant appreciates the indication of allowability regarding claim 3. Claim 3 is indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The amendment to claim 1, incorporating the subject matter of now-canceled claim 3, is taken in light of this indication of allowability.

Entry of the amendments is proper under 37 CFR §1.116(b)(1) since the amendments cancel rejected subject matter, and place the application in condition for allowance as indicated in the final rejection. The amendments are necessary and were not earlier presented because they are made in consideration of the indication of allowability of claim 3 in the final rejection. Entry of the amendments is thus respectfully requested.

Claims 4-7 were provisionally withdrawn from consideration as being drawn to a non-elected group of claims. Applicant timely traversed the Restriction Requirement on April 18, 2006. As all of the provisionally withdrawn claims depend, directly or indirectly, on allowable claim 1, rejoinder is respectfully requested under MPEP §821.04(b).

The Office Action rejects claims 1 and 2 under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2002/0081905 to Nakamura et al. (hereinafter "Nakamura"). The amendment of claim 1, incorporating the indicated-allowable subject matter of now-canceled claim 3, obviates the rejection of claim 1. The cancellation of claim 2 renders the rejection of that claim moot.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 4-7 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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